

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1, 2 and 4-19 are pending. Claims 1, 2, 9-12 and 17-19 are independent and hereby amended. No new matter has been added. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

### **II. SUPPORT FOR AMENDMENT IN SPECIFICATION**

Support for this amendment is provided throughout the Specification as originally filed and specifically at paragraph [0037] and [0042] of Applicant's corresponding published application. By way of example and not limitation:

[0037] The transmission apparatus 11-1 **transmits, along with an image signal (RTP), a first control signal to the reception apparatus 13** via the network 12, i.e., the first control signal which makes a request for a result of determination as to whether or not the RTP can be received (whether or not the RTP should be received).

[0042] As described above, **the RTCP is a protocol between the transmitter and the receiver, and moreover, functions as a protocol regardless of the type of the network connecting the transmitter and the receiver, i.e., regardless of whether the network is a LAN (Local Area Network), a WAN (Wide Area Network), or another type.**

### III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-2, 4, 5, 7-13 and 15-19 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over EPO Publication No. EP1178631 to Kageyama et al. (hereinafter, merely “Kageyama”) in view of U.S. Patent No. 5,600,663 to Ayanoglu et al. (hereinafter, merely “Ayanoglu”).

Claims 6 and 14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kageyama in view of Ayanoglu, further in view of U.S. Patent No. 7,287,201 to Nagai et al. (hereinafter, merely “Nagai”).

Claim 1 recites, *inter alia*:

...the information transmission apparatus generates first control information for making a request to the information reception apparatus for transmission of a result of a determination as to whether the information reception apparatus receives the main information and **transmits the main information and the generated first control information** via the network,

wherein **the first control information is a protocol between the information transmission apparatus and the information reception apparatus and functions as a protocol independently of a type of the network**...

...the information transmission apparatus receives the second control information transmitted from the information reception apparatus via the network, and **prohibits the transmission of the main information to the information reception apparatus** if the

received second control information indicates a first determination result that the main information is not received or transmits the main information to the information reception apparatus via the network if the second control information indicates a second determination result that the main information is received...  
(Emphasis added)

Applicant submits that neither Kageyama nor Ayanoglu, taken alone or in combination, disclose or render predictable the above-identified features of claim 1. Specifically, neither of the references used as a basis for rejection discloses or renders predictable “the information transmission apparatus generates first control information for making a request to the information reception apparatus for transmission of a result of a determination as to whether the information reception apparatus receives the main information and **transmits the main information and the generated first control information** via the network, wherein **the first control information is a protocol between the information transmission apparatus and the information reception apparatus and functions as a protocol independently of a type of the network,**” as recited in claim 1.

Specifically, the Office Action (see pages 2-3) asserts that Kageyama discloses the information transmission apparatus generates first control information for making a request to the information reception apparatus for transmission of a result of a determination as to whether the information reception apparatus receives the main information and transmits the generated first control information via the network, and refers to Kageyama, paragraph [0118]-[0123] and Fig. 31, which are reproduced as follow:

[0154] In this example in FIG. 31, as the case of FIG. 28, the node A apparatus (IRD 100) of the network configuration shown in FIG. 2 is the target, node B apparatus (television receiver 200) is a first controller, node C apparatus (video recording and reproducing

apparatus 300) is a second controller, and node D apparatus (audio recording and reproducing apparatus 400) is a third controller. Each controller transmits a notify command to the target. In this example, one cue storage area is prepared in the target (node A).

[0155] Explaining the transmission state according to FIG. 31, in the initial state, no data is stored in the cue storage area of the target apparatus, and the flag composing the switch showing cue vacancy is turned off.

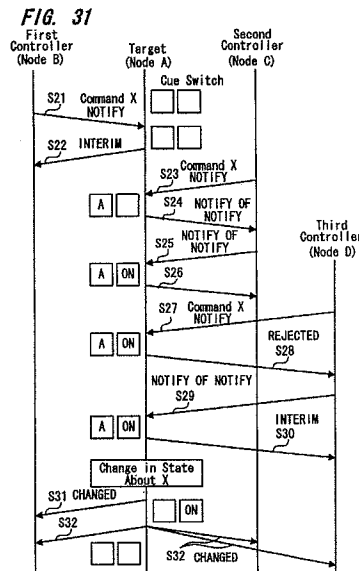
[0156] In this state, suppose the first controller (node B) transmits a notify command to notify a change about state X to the target (node A) (step S21). Receiving this command, the target (node A) stores the node ID of node B and state change X to be notified in the cue storage area, and transmits an interim (INTERIM) response for accepting the notify command to the first controller (node B) (step S22).

[0157] Consequently, suppose the second controller (node C) transmits a notify command to notify the change about state X to the target (node A) (step S23). Receiving this command, the target (node A) sends a rejected (REJECTED) response to the second controller (node C) because there is no vacancy in the cue storage area, and it is notified that the notify command is not accepted (step S24). In the second controller (node C) where the notify command is rejected, a command of notify of notify to inform occurrence of vacancy in the cue storage area is transmitted to the target (node A) (step S25).

[0158] When the target receives this command of notify of notify, it turns on the flag composing the switch showing vacancy in the cue storage area, and transmits an interim (INTERIM) response showing the acceptance of command of notify of notify to the second controller (step S26).

[0159] Suppose the third controller (node D) transmits a notify command to notify the change about state Y to the target (node A) (step S27). Receiving this command, the target (node A) sends a rejected (REJECTED) response to the third controller (node D) because there is no vacancy in the cue storage area, and it is notified that the notify command is not accepted (step S28). In the third controller (node D) where the notify command is rejected, a command of notify of notify to inform occurrence of vacancy in

the cue storage area is transmitted to the target (node A) (step S29).



i) Kageyama discloses transmitting a notify command to the target. However, nothing has been found in Kageyama that teaches the notify command is a protocol between the controller and the target and functions as a protocol independently of a type of the network. Thus, Kageyama fails to disclose or render predictable **“the first control information is a protocol between the information transmission apparatus and the information reception apparatus and functions as a protocol independently of a type of the network,”** as recited in claim 1.

ii) Kageyama discloses that a notify command is transmitted to the target, as shown in Fig. 31. However, in the present invention, the first control signal is transmitted along with an image signal (RTP) from the transmission apparatus to the reception apparatus via the network (see, paragraph [0037] of Applicant’s corresponding published application), so that after the information transmission apparatus receives the second control information, if the second control

information indicates that the main information is not received, the information transmission apparatus **prohibits the transmission of the main information to the information reception apparatus**. Thus, Kageyama fails to disclose or render predictable “the information transmission apparatus generates first control information for making a request to the information reception apparatus for transmission of a result of a determination as to whether the information reception apparatus receives the main information and **transmits the main information and the generated first control information** via the network,” as recited in claim 1.

Therefore, Kageyama fails to disclose or render predictable “the information transmission apparatus generates first control information for making a request to the information reception apparatus for transmission of a result of a determination as to whether the information reception apparatus receives the main information and **transmits the main information and the generated first control information** via the network, wherein **the first control information is a protocol between the information transmission apparatus and the information reception apparatus and functions as a protocol independently of a type of the network,**” as recited in claim 1.

Furthermore, this deficiency of Kageyama is not cured by the supplemental teaching of Ayanoglu.

Therefore, Applicant submits that independent claim 1 is patentable and respectfully request reconsideration and withdrawal of the rejection.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 2, 9-12 and 17-19 are also patentable, and Applicant thus respectfully requests reconsideration of the rejections thereto.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Applicant thereby respectfully requests reconsideration and withdrawal of rejections thereto. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**

Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

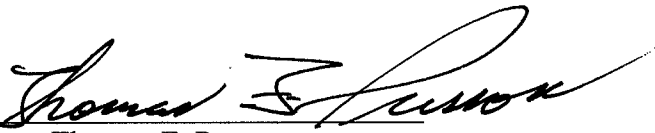
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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